

Patent No. 5,907,395 was 09/870,296. Copies of documents from the assignment records of the Patent Office are enclosed herewith for the consideration of the examiner.

A copy of a General Release duly executed by an officer of Silicon Valley Bank is enclosed indicating that such party has released all right, title and interest in the subject patent. The General Release has been forwarded to the Assignment branch for recording.

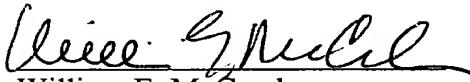
Patentees traverse the rejection of the claims at issue as being based upon a defective reissue oath/declaration. A substitute Declaration is enclosed herewith addressing the issues raised by the examiner in this regard.

Patentees offer to surrender the original patent upon resolution of all remaining issues in this application.

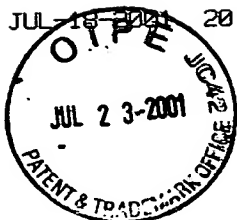
For the foregoing reasons, reconsideration and withdrawal of the rejection of the claims at issue and allowance thereof are respectfully requested.

Respectfully submitted,

Law Offices of
William E. McCracken and Associates

By: 
William E. McCracken
Reg. No: 30,195

Date: July 19, 2001

**GENERAL RELEASE**

Serial No. 09/640,794
 Filed: August 18, 2000
 Title: OPTICAL FIBER PROBE FOR POSITION MEASUREMENT

BE IT KNOWN, that Silicon Valley Bank (hereinafter referred to as "Releasor"), for valuable consideration received from or on behalf of Image Guided Technologies, Inc. (hereinafter referred to as "Releasee"), the receipt of which is hereby acknowledged, does hereby release as satisfied a lien on the application identified above, as well as all re-issues, continuations, divisions, continuations-in-part, renewals or extensions thereof, and the inventions disclosed or claimed therein, including the right to make, use practice and/or sell (or license or otherwise transfer or dispose of) the inventions disclosed or claimed therein (the patents); and forever discharges the said Releasee, of and from all manner of actions, causes of action, suits, debts, covenants, contracts, controversies, agreements, promises, claims and demands whatsoever, which said Releasor ever had, now has, or which any personal representative, successor, heir or assign of said Releasor, hereafter can, shall or may have, against said Releasee, by reason of any matter, cause or thing whatsoever, from the beginning of time to the date of this instrument with respect of the patents.

IN WITNESS WHEREOF, the said Releasor has hereunto set hand this 17 day of May, 2001.

SILICON VALLEY BANK

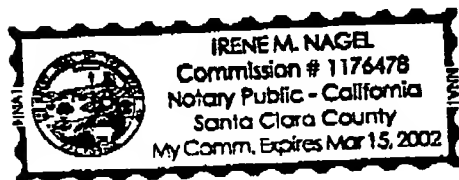
By: 

Printed Name: LEE SHODISS

Title: SR. VICE PRESIDENT

Date: 7/17/01

Then personally appeared the above named, Lee Shodiss, an Officer of SILICON VALLEY BANK, and acknowledged the foregoing instrument to be his free act and deed, before me.

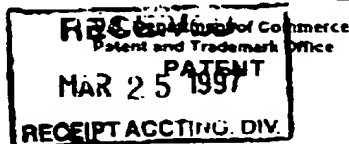



 Notary Public
 My commission expires 3-15-02

FORM PTO-1619A
Page 2 of 2
JUL 23 2001

04-17-1997

63,710



[UNRECORDED]

MRD 3-25-97

RECORDATION FORM COVER SHEET
PATENTS ONLY

08/870296

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03/04/93Name (line 1) MARTIN MARIETTA ENERGY SYSTEMS, INC.

Name (line 2) _____

Second Party

Name (line 1) _____

Name (line 2) _____

Execution Date
Month Day Year

Receiving Party

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Name (line 2) _____

Address (line 1) GC-62, MS 6F-06/ (FOPSTL)Address (line 2) 1000 Independence Avenue, S.W.Address (line 3) Washington
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FORM PTO-1619B
Expires 06/30/96
NOT 1551-1007

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U.S. Department of Commerce
Patent and Trademark Office
PATENT

Correspondent Name and Address

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Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

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Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ **0.00**

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(Enter for payment by deposit account or if additional fees can be charged to the account.)

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Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Betty Winchester

Name of Person Signing

Signature

Date

APR 24 1997

PATENT

REF ID: A8442 FRAME: 0681

NOV 1993, 294
NOV 1993, 41,547,008

CONFIRMATORY LICENSE
(For Use in Identified Waived Inventions)

Title: **"LEAD-IRON PHOSPHATE GLASS AS A CONTAINMENT MEDIUM FOR THE DISPOSAL OF HIGH-LEVEL NUCLEAR WASTES"**
Inventor(s): Lynn A. Boatner and Brian C. Sales
Serial No.: 870,296 Filing Date (U.S.) 05/23/86
Contractor: Martin Marietta Energy Systems, Inc.
DOE Contract No.: DE-AC05-84OR21400
DOE Waiver No.: ORO-348.W(1)-88-016
Continuing Data if any:
Patent Rights Clause No.: DOE PR 9-9.104
Foreign Applications filed or intended to be filed at Contractor's expense in (countries): None

The above-identified invention has been reported as a Subject Invention to the U.S. Department of Energy under the above contract. The invention has been determined to be excepted from the Class Waiver granted in the contract but has been waived to the Contractor under the above identified invention waiver effective March 19, 1990.

Accordingly, this document is confirmatory of the nonexclusive, nontransferable, paid-up license to practice or have practiced for or on behalf of the United States in this invention, patent application and any resulting patent and of all other rights acquired by the Government by the above identified Patent Rights Clause, a copy of which is attached hereto and incorporated by reference herein. The undersigned certifies the attached copy to be a true copy of said clause. It is understood and agreed that this license does not preclude the Government from asserting rights under the provisions of said contract or of any other agreement between the Government and the Contractor, or from asserting any other rights of the Government with respect to the above identified invention.

The Government is hereby granted an irrevocable power to inspect and make copies of the above identified patent application.

Signed this 4 day of MARCH, 1993

Martin Marietta Energy Systems, Inc.
(Contractor)

By William R. Martin
(Contractor's Official and Title)
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PATENT
REF ID: A442 FRAME: 0682